

Declaratory
Resolution No. 547.

For the opening of an alley
across & thru the North portion
of Lot 23 & S. E. corner of Lot 24 in
Anthony Blvd. Add; also for the
vacation of that portion of alley
between Lillie St. & Anthony Blvd.
from Colerick St. to Northline of
Lot No. 8. Anthony Blvd. Add.

Adopted - November 25, 1925

Confirmed December 17, 1925

Assess' App'd. December 28, 1925

Assess't. Conf'd. January 21, 1926

COMPLETED

Jan 21, 1926.



DECLARATORY RESOLUTION NO. 542-1925.

For the opening of an alley across and through the north portion of Lot Number 23 and the southeast corner of Lot Number 24 in Anthony Boulevard Addition; also for the vacation of that portion of the alley between Lillie Street and Anthony Boulevard from Colerick Street to the north line of Lot Number 8 Anthony Boulevard Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open an alley across and through the north ten (10) feet of Lot Number 23 Anthony Boulevard Addition; also to cut the corners off of the remaining portion of Lot Number 23 and Lot Number 24 in said Anthony Boulevard Addition; also for the vacation of that portion of the alley between Lillie Street and Anthony Boulevard from Colerick Street to the north line of Lot Number 8 Anthony Boulevard Addition.

All as shown by a plan of such proposed alley opening and alley vacation as above described now on file in the office of the Department of Public Works of said City.

The property which may be injuriously or beneficially affected by the proposed alley opening and alley vacation as above described is described as all lots and lands abutting on the alley between Lillie Street and Anthony Boulevard from Pontiac Street to Colerick Street.

The cost of said alley opening and alley vacation as above described and all expenses connected therewith shall be assessed against the property beneficially affected thereby.

The above alley vacation is subject to the rights of the City of Fort Wayne to at all times maintain therein the public sewer therein located and subject to the rights of said City to enter upon said above described alley for the purpose of making repairs or otherwise as hereinset out and that any obstructions hereinafter made upon the same by any property owner or owners of property abutting thereon interfering with the Board of Public Works in the exercise of their easement herein reserved shall be removed by the said Board of Public Works at the expense of said property owner or owners.

An easement is also reserved by the City for the right of any public utility company to construct conduits or lay pipe for the use of electric and telephone wires and gas and water.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6th, 1905 and the provisions of all acts amendatory thereto and supplemental thereof including the right to bond assessments as in said laws ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond, bonds, certificate or certificates issued in payment for such property damages, except for such moneys as shall have been actually received by the City from the assessments for such damages to property or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvements, assessments of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

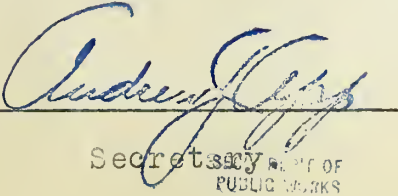
DECLARATORY RESOLUTION NO. 542-1925.

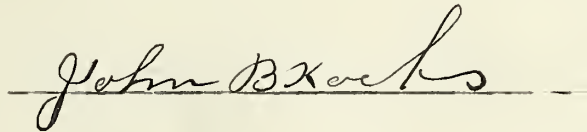
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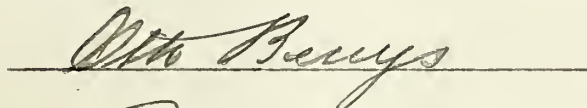
All of the above described streets and alleys and lots and lands affected by the above described alley opening and alley vacation being situated in the East Half of the Northeast Quarter of Section 13, Township 30 North, Range 12 East and within the corporate limits of the City of Fort Wayne, Indiana.

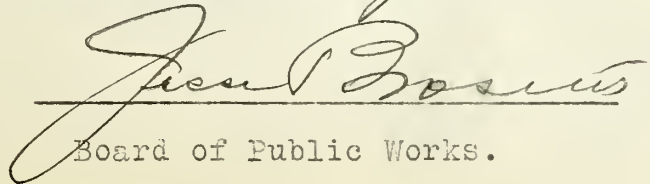
Adopted this 25th day of November, 1925.

Attest:


Secretary of
PUBLIC WORKS

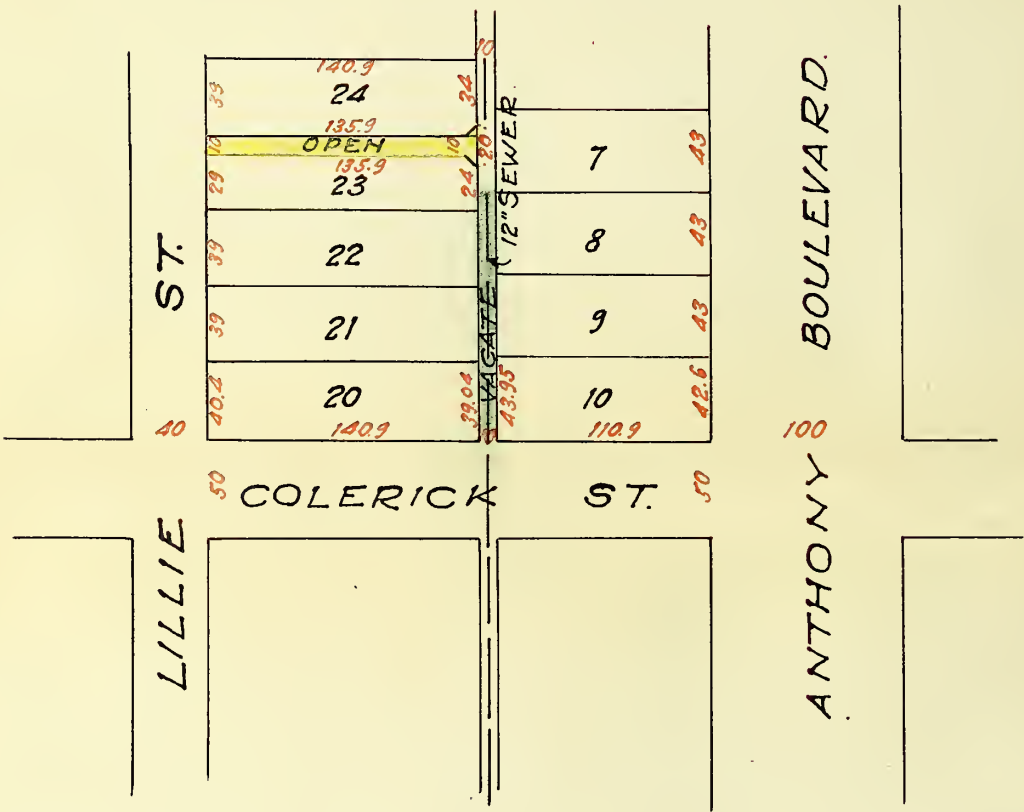





Board of Public Works.

PLAN OF THE OPENING OF AN ALLEY THROUGH THE NORTH PORTION OF LOT N°23 AND THE SOUTHEAST CORNER OF LOT N°24 ANTHONY BLVD ADD.
ALSO FOR THE VACATION OF THAT PORTION OF THE ALLEY BETWEEN LILLIE ST. AND ANTHONY BLVD FROM COLERICK ST. TO THE NORTH LINE OF LOT N°8 ANTHONY BLVD ADDITION.

DEC. RES. N° 542- 1925.



THIS AGREEMENT, made and entered into this 9th day of August, 1926, by and between GRACE EVANGELICAL LUTHERAN CHURCH OF FORT WAYNE, a corporation organized under the Laws of the State of Indiana, Party of the First Part and JAMES T. JOHNSON, THOMAS SNOOK and WILLIAM S. O'ROURKE, members of the BOARD OF PUBLIC WORKS of the CITY OF FORT WAYNE, INDIANA, Parties of the Second Part, WITNESSETH; -

That under Declaratory Resolution #542, adopted November 25th, 1925, and confirmed on December 17th, 1925, by the Board of Public Works of the City of Fort Wayne, Indiana, a certain alley between Lillie Street and Anthony Boulevard from Colerick Street to the North line of Lot Eight (8) Anthony Boulevard Addition to the City of Fort Wayne, Indiana, was vacated, subject to the rights of the City of Fort Wayne, to at all times maintain thereon public sewer thereon located, and subject to the right of said City to enter upon said above described alley for the purpose of making repairs or otherwise, and also reserving an easement for the right of any public utility company to construct conduits or lay pipe for the use of electric or telephone wires and gas and water and reserving to said City the right to remove any obstructions at the expense of said Church;

That the said FIRST PARTY has applied to THE TRI STATE LOAN AND TRUST COMPANY, Fort Wayne, Indiana, for a loan and to secure same has executed to said Trust Company, a mortgage upon, (with other real estate), real estate abutting upon said vacated alley and described as follows, to-wit: -

Lots Eight (8), Nine (9), Ten (10), Twenty (20), Twenty-one (21), Twenty-two (22) and Twenty three (23) in Anthony Boulevard ^{addition} to the City of Fort Wayne; and other real estate in Allen County Indiana;

That said FIRST PARTY has erected and constructed upon said real estate a church edifice which extends over and across said above described vacated alley; that said Trust Company will not make said loan or accept said mortgage so long as said easement exists.

It is therefore agreed by and between said parties that in the event the sewer now located in said vacated alley shall ever require repairing or it shall ever be necessary for any public utility company to construct conduits or lay pipe for the use of electric or telephone wires and gas and water, that then and in that event said FIRST PARTY agrees to and will permit said City of Fort Wayne or any public utility company to lay said sewer and construct conduits or lay pipe for the use of electric or telephone wires and gas and water, on the property of said FIRST PARTY immediately adjoining said church edifice on the West, as a by-pass and that said FIRST PARTY shall pay any and all expense necessary or caused by reason of so laying said sewer and constructing conduits or lay^{ing} pipe for the use of electric or telephone wires and gas and water on the real estate adjoining said church edifice on the West instead of in said vacated alley and in consideration thereof said SECOND PARTIES do hereby release said real estate above described from the effect of said easement.

IN WITNESS WHEREOF, the parties hereto have here-

unto set their hands and seals this 9th day of August, 1926.

GRACE EVANGELICAL LUTHERAN CHURCH OF
FORT WAYNE.

By Fredrick H. Heltneger President.

By Harmon Dettmer Secretary.

PARTY OF THE FIRST PART.

J T Johnson

William O Rankin

MEMBERS OF BOARD OF PUBLIC WORKS OF
THE CITY OF FORT WAYNE.

PARTIES OF THE SECOND PART.

CONTRACT

Between

Grace Construction & Supply Co.

and

Grace Evangelical Lutheran

for

Dec. # 542 - Sewer in alley between
Lillie & Anthony from Colerick St.

to Lot Eight (8) -Anthony Blvd. and

also

ement for lights, gas, water etc.

Approved $\frac{1}{2}$ August 9th, 1926.

